

REMARKS

Applicants request reconsideration and allowance of the present application in view of the following remarks.

Claims 2-4, 6-8, 10-14, and 17-19 are pending in the present application. Claims 2, 6, 10 and 19 are the independent claims.

No claims have been amended by the present Request.

The Withdrawal of Claim 19

The Office Action withdrew claim 19 as allegedly being directed to an invention independent or distinct from the invention originally claimed. (Office Action, page 2). This contention is manifestly incorrect and without basis in fact. Thus, the Office's withdrawal of claim 19 is in error.

Firstly, the subject matter of claim 19 was previously presented in claim 11, a claim that was previously examined. Indeed, attention is respectfully directed to the Office Action mailed November 30, 2006, which examined the claimed subject matter. Further, the contention that the invention of claim 19 is "independent" and "not connected in design, operation or effect" is manifestly incorrect. In sum, the basis for the alleged "constructive election" is incorrect and inapplicable since the subject matter of claim 19 has already been examined in the present application.

Accordingly, rejoinder and/or examination of claim 19 on the merits is/are respectfully requested.

Traversal

Claims 2-4, 6-8, 10-14, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,590,850 (Hedenberg) in view of U.S. Patent No. 3,687,251 (Hoerner). All rejections are respectfully traversed.

Independent claim 2 recites, inter alia, that an engager comprises a plurality of engaging projections projected in a radial direction relative to an axis of an output shaft on an outer surface of a connector, and that a plurality of projections accommodating grooves formed in a lower pulley to accommodate the plurality of engaging projections.

Independent claims 6 and 19 recite, inter alia, that an engager includes a plurality of

engaging projections projected in a radial direction relative to an axis of the output shaft on an outer surface of the connector and a plurality of projections accommodating grooves formed in the first pulley to accommodate the engaging projections.

Independent claim 10 recites, inter alia, an engager between the connector and the first pulley, the engager including a plurality of engaging projections projecting in a radial direction on an outer surface side of the connector, and a plurality of projections accommodating grooves provided at corresponding positions of the first pulley to accommodate the engaging projections of the connector.

However, Applicants continue to submit that the asserted citations, even in combination as asserted and in view of the knowledge of the ordinarily skilled artisan, do not disclose at least the aforementioned expressly recited structural features of independent claims 2, 6, 10, and 19.

The Office Mischaracterizes The Previously Presented Patentability Argument

The Final Office Action mischaracterizes the patentability argument presented in the previous response. Further, this mischaracterization evidences either the Office's misinterpretation of the argument or an erroneous application of law.

In the Office Action mailed November 30, 2006, the Office acknowledged that the primary citation to Hedenberg did not teach or suggest the aforementioned features of independent claims 2, 6, and 10. (Office Action, page 2). Nonetheless, the Office rejected independent claims 2, 6, and 10 contending that the secondary citation to Hoerner disclosed an engager and, acknowledging differences between the asserted structure of Hoerner the aforementioned express structural features, contending that these differences were merely matters of design choice. (Office Action, page 2). **In particular, the Office Action contended that the grooves of independent claims 2, 6, and 10 are merely design choice "since applicant has not discloses that having such a design solves any stated problem or is for any particular purpose and it appears that the invention would perform equally as well." (Office Action, page 3).**

In response, in the Amendment filed January 18, 2007, Applicants presented patentability arguments traversing the contention that the acknowledged differences were merely matters of design choice. In particular, in response to the aforementioned specific, express contention, Applicants presented a legal argument establishing the error of this contention by

identifying portions of the Specification at which the acknowledged differences were explained to provide advantages. These portions of the Specification, it was argued, expressly and directly rebut the Office's aforementioned basis the concluding that the acknowledged differences were merely matters of design choice. Applicants did not argue that the claims patentably defined over the asserted citations because of the cited portions of the Specification. Instead, Applicants argued that they did in fact disclose that the acknowledged differences had advantages that precluded a conclusion that they are merely design choice. As a result, the features specifically identified on page 6 of the Amendment filed January 18, 2007, which are expressly recited in the claims, patentably define over the cited art.

In other words, to rebut the Office's erroneous allegation that Applicants did not disclose that the acknowledged differences between the cited art and the claims yielded advantages, Applicants had to identify portions of their written disclosure where such advantages were explained.

In view of the foregoing, the Office's refusal to consider the patentability argument presented in the Amendment filed January 18, 2007 is either based on: an interpretation of law that evidence rebutting a contention of design choice must be recited in the claims; or a mistaken interpretation of the legal argument as discussed above.

Applicants have been unable to identify any legal support for the contention that evidence rebutting a contention of design choice must be found in the claims. Indeed, such a requirement would appear to be contrary to the Office Action, which bases the rejection on the alleged absence of a disclosure. Accordingly, in the interests of compact prosecution, if this is the Office's contention, Applicants respectfully request that the Office identify the legal support on which it relies.

Why the acknowledged differences between the asserted combination and the aforementioned expressly recited features continue not to be merely matters of design choice

The Office contends that the grooves of independent claims 2, 6, and 10 are merely design choice "since applicant has not discloses that having such a design solves any stated problem or is for any particular purpose and it appears that the invention would perform equally as well." (Office Action, page 3). This is the sole proffered "evidence" to support the Office's conclusion of design choice.

In response, attention is again respectfully directed at least to paragraphs [0027] and [0032] of Applicants' disclosure, where advantages of the aforementioned features are described. Indeed, in context with at least paragraphs [0007] and [0008] of Applicants' disclosure, Applicants expressly explain that the aforementioned features can reduce assembly time. **Thus, Applicants did in fact disclose at least a particular purpose for, and a problem solved by, the aforementioned features. And, this disclosure rebuts the Office's erroneous contention that applicant has not discloses that having such a design solves any stated problem or is for any particular purpose and it appears that the invention would perform equally as well at page 3 of the Office Action.**

The Office's sole stated rationale for why the aforementioned features are "design choice" is traversed as incorrect and without basis in fact. Consequently, the rejection is without the necessary evidence to support a prima facie case of obviousness the Office is obligated to set forth. (See Section 2142 of the Manual of Patent Examining Procedure "The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.").

In sum, Applicants have identified evidence in their disclosure that expressly rebuts the Office's sole rationale for why the acknowledged differences between the asserted combination and the aforementioned features. And, this support need not be recited in the claims.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 2, 6, and 10 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicants submit that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not earlier presented because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution and reduce the number of issues is requested under 37 C.F.R. § 1.116.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.


There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 5-14-07

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